

REMARKS

The present Amendment is in response to the Office Action dated November 26, 2004 in reference to the above-identified application. The Examiner set a shortened statutory period for reply of three (3) months, making the present Amendment due by February 26, 2005. Filed concurrently herewith is a request for a three-month extension of time so that the present Amendment is due by May 26, 2005.

In that Office Action, the Examiner noted that there was no brief description of Figure 8. Accordingly, Applicant has provided such description in this Amendment. The Examiner also noted several typographical errors in the specification which likewise have now been corrected.

Again, several typographical errors were noted in claims 4, 14, 18, 27, 29 and 35. Claim 4 has been corrected to depend from claim 3, and the word "member" has been replaced with --portion--. Applicant has been unable to identify any perceived error (similar to claim 4) in claim 14, line 2, so no amendment is made. The spelling of "portion" in claim 18, line 11, has been corrected. Also, the recitation of "flange" in claim 18 has been corrected to --first flange--, and claim 22 has been amended to reflect this change. This is believed to eliminate the objection to claim 29. The dependency of claims 27 and 30 have been corrected. None of these amendments are made to limit the claims.

Turning to the substantive rejections, claims 1-3, 5-7, 10-15, 18-21, 24 and 25 have been rejected as anticipated under 35 U.S.C. § 102(b) over U.S. Publication No. US 2002/0108407 to Zapushek. The remaining claims have been rejected as obvious under 35 U.S.C. § 103(a) over Zapushek in combination with one or more other cited references, including U.S Patent No. 6,575,000 to Li, U.S Patent No.

6,467,316 to Chen, U.S Patent No. 5,992,187 to Derman, U.S Patent No. 4,226,100 to Hampton et al, U.S Patent No. 6,402,181 to Lee, or the admitted prior art.

Applicant appreciates the thoroughness of the Examiner's action. However, Applicant respectfully disagrees with the Examiner's reading of the Zapushek patent for purposes of rejections under either 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a). Therefore, no amendments have been made to the claims to distinguish the cited art.

To understand the distinction between the recited structure of the present independent claims and the Zapushek reference, it is helpful to review the disclosure of Zapushek. Zapushek's pin locking device, in many respect, has a typical locking hitch pin structure. This includes a shackle 15 that Zapushek calls a "lock stud". This shackle has a shank portion 25, a stop portion 28 and a latch portion 30,35. Thus, Applicant agrees that the Zapushek lock stud meets the recitation of the shackle member of Applicant's independent claims. However, the Zapushek structure does not meet the recitation of the locking head member and head cover of these independent claims.

With reference to Figures 3 and 4 of Zapushek and the corresponding description, Zapushek employs a locking head which is referred to as "lock body 20". Lock body 20, in turn, includes a housing 40 and a lock casing (cylindrical shell 50). A key-operated cylinder plug 85 is located in the interior of and fills the interior of casing 50. A plug tail 110 of plug 85 projects outwardly from casing 50 to engage extension plate 105 that, in turn, drives locking part 100. When the latch portion 30,35 is inserted into the aperture 45 of housing 40, locking part 100 retains or releases the latch portion, depending upon its rotational orientation.

Importantly, casing 50 does not have any entryway sized and adapted to mate with the latch portion 30,35. Thus, casing 50 cannot alone meet the recitation of the “locking head” of the current independent claims.

Therefore, if on one hand housing 40 is considered to be the “head cover”, as the Examiner has argued, then Zapushek fails to disclose a locking head as recited in the independent claims. On the other hand, if lock body 20 is considered to be the “locking head” (as Applicant asserts would be the proper reading of Zapushek), then Zapushek lacks the “head cover” recited in the independent claims.

Since all of the Examiner’s rejections are premised on the assumption that housing 40 is the head cover and casing 50 and its associated parts are the locking head, none of the current rejections pass muster. Accordingly, they should be withdrawn.

Moreover, and with respect to the recitation in the dependent claims that the head cover is formed of a “stiff yet resilient material” (see, e.g., claims 8 and 22), the ordinary artisan would never make housing 40 of Zapushek out of a resilient material since such construction would allow an intruder access to defeat the locking function of the plug and the associated locking parts. Derman disclose a case of hard molded plastic made of a suitable rigid material. Col. 4, lines 15-20. The case 12 of the padlock 10 of Hampton et al is “of conventional construction, Col. 3, lines 40-48, which is well known to be steel and thus not “stiff yet resilient”. Simply put, no lock maker would ever use materials that would permit the defeat of the lock mechanism.

No additional claims fees are believed to be payable upon the Amendment. However, the Commissioner is hereby authorized to charge any deficiency in the required fees, or to credit any overpayment, to deposit account number 13-1940.

Based on the foregoing and with all due respect to the Examiner's initial reading of the cited references, Applicant submits that the present application is in complete condition for allowance without substantive amendment. Action to that end is courteously solicited. If any issues remain to be resolved prior to the granting of this application, the Examiner is requested to contact the undersigned attorney for the Applicant at the telephone number listed below.

Respectfully submitted,

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